

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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HOUSTON DOUGLAS, 06-A-2860,

v.  
Plaintiff,

**DECISION AND ORDER**  
15-CV-636-A

NP SALOTTI, Five Points C.F.,  
DR. GUARDIA, Five Points C.F.,  
DOCTOR/NURSE FRIES, Livingston C.F.,  
DOCTOR/NURSE DYE, Livingston C.F.,  
CLINE, Program Committee Supervisor,  
Livingston C.F., SNYDER, Program  
Committee, Livingston, C.F.,

Defendants.

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This prisoner's *pro se* civil rights case was originally referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On September 21, 2017, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 36) recommending that plaintiff's motion for an injunction directing defendants to schedule cataract surgery for plaintiff within 30 days (Dkt. No. 33) be denied.

On or about February March 2, 2018, plaintiff Houston Douglas filed objections to the Report and Recommendation. Dkt. No. 52. Defendants filed a response on March 16, 2018 (Dkt. No. 54), and plaintiff filed a reply on March 27, 2018 (Dkt. No. 55). The Court has found oral argument unnecessary.

Pursuant to 28 U.S.C. §636(b)(1), the Court must make a *de novo*

determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review, and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, plaintiff's motion for an injunction is denied. Accordingly, it is hereby

**ORDERED**, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation (Dkt. No. 36), plaintiff's motion for injunctive relief (Dkt. No. 33) is denied<sup>1</sup>.

**IT IS SO ORDERED.**

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: April 17, 2018

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<sup>1</sup> The case was re-referred to Magistrate Judge Michael J. Roemer on March 1, 2018. Dkt. No. 50